

**From:** [John McCoy](#)  
**To:** ["Schoen, Michael - SOL"](#)  
**Cc:** ["david.vansoest@tceq.texas.gov"](#); ["kelly.cook@tceq.texas.gov"](#); ["kathleen.decker@tceq.texas.gov"](#); ["susan.jablonski@tceq.texas.gov"](#); ["don.holmstrom@csb.gov"](#); ["daniel.horowitz@csb.gov"](#); ["chris.lyon@csb.gov"](#); ["johnnie.banks@csb.gov"](#); [Quinones, Edwin](#); [Hayes, Mark](#); ["jeffery.lewis@osha.gov"](#); ["madeleine.le@osha.gov"](#); ["jack.rector@osha.gov"](#); ["Mark Grotefeld"](#); [Laurence Leavitt](#); [Brook Laskey](#); [Eugene LaFlamme](#); [Matt Rosek](#); ["Mark Grotefeld"](#); [Zona Jones](#); [Patrick Gareis](#); [mattw@CraneEngineering.com](#); [Waylon Pickett](#); [Anooj Thakrar](#); [Kevin Mosley](#); ["ktaunton@tsslawfirm.com"](#); ["Jim Klick"](#)  
**Subject:** FW: West - NFPA guidelines pertinent to OSHA's holding of scene  
**Date:** Tuesday, May 21, 2013 6:58:36 PM  
**Attachments:** [921 and large loss.docx](#)  
[ATT00001.txt](#)

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John V. McCoy  
McCoy Leavitt Laskey LLC  
Riverwood Corporate Center III  
N19 W24200 Riverwood Drive  
Suite 125  
Waukesha, WI 53188  
Phone: (262) 522-7007  
Fax: (262) 522-7020

NEW: JMcCoy@MLLlaw.com  
[www.MLLlaw.com](http://www.MLLlaw.com)

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-----Original Message-----

From: Mark Grotefeld [<mailto:mgrotefeld@ghlaw-llp.com>]  
Sent: Tuesday, May 21, 2013 10:57 AM  
To: John McCoy; Laurence Leavitt  
Cc: Zona Jones; Patrick Gareis; Waylon Pickett; Anooj Thakrar; Kevin Mosley  
Subject: West - NFPA guidelines pertinent to OSHA's holding of scene

John & Larry:

I know both of you are very familiar with NFPA 921, however, it seems that the attorney from the Dept. of Labor is ignoring our clients' rights to have a chair at the table vis a vie the preservation of evidence and the processing of the scene. most assuredly the subrogating insurers and personal plaintiffs remain Interested Parties under anyone's interpretation of NFPA 921.

The OSHA proposed protocol ignores the rights of those that have placed your client on notice, and who have cooperated with the government investigation up to now, and it generally flies in the face of the select NFPA guidelines attached as reference.

What should be troubling to your client is the fact that the OSHA protocol burdens you with absolute responsibility to all that have served notice upon West/Adair to properly preserve the evidence and maintain the scene. Moreover, the OSHA protocol, for no real purpose I can see, retards our clients' right to investigate the event as to other potentially culpable third parties. Given the paucity of your



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clients CGL coverage, should the subrogating insurers and personal plaintiffs not have a proper voice as to the next phase of the investigation there is serious concern that the havoc wreaked upon the West community will needlessly go without just compensation.

I intend to call the attorney for the Dept of Labor tomorrow to voice our concerns and would welcome your participation in that call.

Regards,

Mark Grotefeld